

#5 Petition  
52 12-5-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Norman, et al.

Serial No. 09/844,322

Filed: April 26, 2001

Entitled

DOLL'S CLOTHING

Group Art Unit: 3712

Examiner: Not Yet Assigned

Atty. Docket No.: 1391-CON-00

Date: November 5, 2001

RECEIVED  
NOV - 7 2001  
TECHNOLOGY CENTER R3700

RECEIVED  
NOV - 6 2001  
TECHNOLOGY CENTER 3700

RECEIVED  
NOV - 6 2001

RECEIVED  
NOV 16 2001

RECEIVED

RECEIVED

PETITION UNDER 37 C.F.R. § 1.102(d)

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby petitions under 37 CFR § 1.102(d) and MPEP 708.02(II) that the subject application be accorded special status and advanced in order of examination. Applicant includes herewith a Petition fee in the amount of \$130.00 in accordance with 37 CFR § 1.17(i).

This Petition should be granted because: there is an infringing product actually on the market; and a rigid comparison of the alleged infringing product with the claims of the application has been made; and, on information and belief, some of the claims are unquestionably infringed. A thorough search of the pertinent prior art was made as follows.

The present application is a Continuation of United States Patent Application No. 09/065,119 issued as US Patent 6,227,930 b1. The parent application was accorded special status by the grant of a petition on June 16, 1998.

11/13/2001 BROSS1 00000001 09844322  
01 FC:122

A preexamination search was conducted by the United Kingdom Patent Office for the UK patent application corresponding to the parent application. The records searched included UK Patent Office collections, including GB, EP, WO, and US patent specifications, as well as the World Patents Index (WPI) online. The classifications searched included UK Class (Ed.P): A6S and Int. Class (Ed.6): A63H. Classes searched in the United States include 446/6, 26, 28, 268, 385, 376, 491, and class 2 sub-class 243.1. Copies of all relevant references uncovered by the UK Patent Office, as well as the US Patent Office and, further, those uncovered in other searches, are all enclosed with this Petition to Make Special.

Following is a detailed discussion of the enclosed references, pointing out the differences between each and the cited references and Applicant's claimed invention.

GB 835,088 - Hartley discloses doll clothes formed from thin polyurethane sheets which are draped on the body and joined to the doll by an adhesive or bonding agent. The clothes taught in Hartley are not fitted to or removed from dolls in a life-like manner, since they are adhesively attached. Presumably, once the clothes are bonded to the dolls they cannot be removed.

GB 1,294,637 - Hausser discloses doll clothes produced from resilient plastics such as polyethylene or soft PVC. Unlike the elastomeric doll clothes of the Applicant's invention, the clothes provided in Hausser are formed from semi-rigid plastics. In fact, Hausser specifically teaches that the clothing is used with dolls having one or more removable limbs.

GB 1,518,830 - Nishizawa discloses clothing for two-dimensional dolls formed from thermoplastic synthetic resin such as polyvinyl chloride. Two thermoplastic sheets are joined in a spaced-apart manner such that the clothing can be slipped over the doll for fitting and removal. In contrast to the elastomeric clothes of the Applicant's invention, the thermoplastic clothes of Nishizawa are substantially rigid, and therefore unsuitable for

use with articulated dolls, or for fitting and removal from dolls in a life-like manner.

US 2,283,238 - Thompson discloses sanitary elastic sheaths, including "fingercots, thumb guards, rubber gloves, breast nipple sheaths and other hollow elastic sheaths of a similar nature." The sheaths do not appear intended to be fitted and removed from dolls in a life-like manner.

US 2,359,948 - Tillotson discloses sheet rubber articles. Tillotson does not disclose doll clothes or skins for transformation of dolls into a different character or object, formed of an elastomeric material.

US 2,942,271 - Frankenfield discloses garments for non-articulated, two-dimensional paper dolls comprising spaced apart flexible sheets formed from paper, fabric or plastic. The clothes are not intended to be fitted to or removed from dolls in a life-like manner.

US 2,944,368 - O'Brien et al. pertains to doll clothing. Preferably, the doll apparel is cut from a flat sheet of thermoplastic material, as explained in column 3, lines 52-58. This reference fails to show an injection moldable thermoplastic elastomer. Instead, the apparel is vacuum formed from the dye-cut thermoplastic sheet material.

US 2,954,562 - Krup pertains to a high-altitude flight suit which includes rubber-coated fabric stringers, rubber sealing elements, and a torso portion of an elastic rubber-like composition. The reference fails to show an injection moldable thermoplastic elastomer. Furthermore, the resulting garment is not designed to be elastic in nature.

US 2,976,199 - Rand discloses a process for the manufacture of baby pants. The pants are made from a thermoplastic material such as vinyl, heat-sealed, and sewn together. The reference fails to show an injection moldable thermoplastic elastomer. Vinyl, while a thermoplastic, is generally not considered an elastomer.

US 3,206,533 - Serra discloses an elastic girdle comprising latex and formed in an open-weave style mesh. Serra does not disclose injection molded dolls' clothing or skins formed of an elastomeric material.

US 3,781,916 - Shows a method for making a one-piece body cover having a neck opening in front and rear panels which overlap at the sides. The body cover is dye cut from a thermoplastic film and then assembled. The

protective garment is not injection molded, nor is it made from an elastomeric material.

US 3,783,554 - Shapero discloses doll clothes comprising preprinted labels which are formed from "rubber-like" materials and can be applied to a contoured doll surface. Shapero fails to teach or suggest the use of elastomers in forming doll clothes. In addition, the clothes of Shapero are formed from flat sheets of material and are affixed to dolls with adhesive. Like Hartley, once the clothes of Shapero are affixed to dolls they cannot be easily removed or reused, nor do they appear to be injection molded.

US 4,067,064 – Pertains to a diving suit having conduits for transmitting heated fluid throughout the suit to warm the wearer. The conduits are extruded or made from plastic or elastomeric material which is stitched or adhered to seams within the wetsuit material. The wetsuit is specified as being formed from an elastomeric foam, such as foam rubber. However, it appears no mention of an injection moldable thermoplastic elastomer is made in the patent.

US 4,227,340 - Goldfarb discloses doll clothes having a flexible resilient construction. The clothes are designed to be snapped or clipped onto the doll figure. The clothes in Goldfarb are not for use with articulated dolls and cannot be fitted to or removed from dolls in a life-like manner. Further, no mention is made of an injection moldable thermoplastic elastomer.

US 4,297,153 - Erickson discloses doll clothes comprising spreadable, non-toxic, thermoplastic, water soluble resin wherein garment details are provided after the molding of the garment, in contrast to Applicant's claimed integrally molded detail. Erickson does not disclose skins to transform a doll into a different character or object. Further, Erickson's garments are not made from an injection moldable thermoplastic elastomer.

US 4,297,313 – Duckstein pertains to a method for making a pacifier. The pacifier includes a rigid polypropylene shield and an injection molded elastomeric polyvinyl chloride nipple. This reference shows an injection moldable elastomeric material, but is unrelated to doll's clothing. Furthermore, it is uncertain what is meant by, "elastomeric polyvinyl chloride" in line 67 of column 2, since no specific examples of such is given and no mention of a thermoplastic, elastomeric polyvinyl chloride is disclosed.

US 4,344,249 – Goldfarb pertains to a play set, including a three-dimensional doll figure and a variety of flexible clip-on pieces representing clothing for the doll to wear. The articles of clothing are made from a resilient material so that they will flex or expand when they are assembled or attached to the doll figure. One material specifically mentioned for use in making the place set clothing is styrene. No mention of a thermoplastic elastomer is made in the reference.

US 4,414,774 - Fogarty discloses doll clothes formed from semi-rigid plastic materials, the clothes which are removably attachable. Because the materials are semi-rigid, the clothes are not suitable for use with articulated dolls, nor can they be fitted to or removed from dolls in a life-like manner.

US 4,420,176 – Cornwall pertains to an elastomeric joint for use with couplings, pipe, connectors, and the like. While the reference specifies an elastomeric joint, it does not specify that the elastomer is thermoplastic or injection moldable. Furthermore, the reference has little to do with doll's clothing, but rather is for use in flexibly joining pipes.

US 4,453,271 – Pertains to a protective garment for athletic events. The garment includes inflatable air cushions made of a synthetic elastomeric material, such as rubber, polyisoprene, or polyurethane. However, there is no mention of injection moldable thermoplastic elastomers.

US 4,509,213 – Pertains to rain pants. The pants are made from a non-extensible, waterproof material. However, no mention is made of an injection moldable thermoplastic elastomer.

US 4,643,791 – Pertains to gloves manufactured from thermoplastic sheet. The material of construction is specified to be, "relatively non-resilient thermoplastics." Thus, the use of a thermoplastic elastomer is not set forth in the patent.

US 4,654,401 - Gallucci pertains to thermoplastic molding compositions which are hydroxyl group graft modified polyolefins which are produced and reacted with polycarbonates, polyesters, and/or poly(ester-carbonates). The compositions have improved solvent resistance and reduced problems with incompatibility.

US 4,681,564 – Landreneau pertains to a catheter assembly for insertion through a surgical opening into an interior body space. A portion of the catheter assembly is formed from an elastomeric resin, preferably,

elastomeric polyvinyl chloride. However, no source or explanation of such material is given. This reference fails to teach doll's clothing.

US 4,763,940 - Held pertains to a tubular sleeve which slips over a finger and facilitates document handling by the wearer. This reference failed to show an injection moldable thermoplastic elastomer. Furthermore, the device is not intended for use with dolls.

US 4,804,432 – Jurrius, et al. pertains to a method and apparatus for manufacturing gloves from thermoplastic sheets. The material of construction is specified to be, "relatively non-resilient thermoplastics." Thus, the use of a thermoplastic elastomer is not set forth in the patent.

US 4,815,149 – Erhardt, et al. pertains to an article of apparel including a three-dimensional pattern. The three-dimensional pattern can be formed of any plastic or rubber material, but such is not specified for the article of apparel.

US 4,872,871 – Proxmeyer, et al. pertains to a disposable absorbent garment having an elastic outer cover and an integrated absorbent insert structure. The outer cover is formed from a breathable elastomeric non-woven material. The garment also includes a liquid permeable body side liner formed from a commercially available pattern-spun bonded polypropylene web. However, use of an injection moldable thermoplastic elastomer is not specified in the reference.

US 4,921,672 – Bach pertains to a method for the production of an injection molded glove. The injection moldable material is said to undergo cross-linking at column 1 line 46-47. The material is not specified to be a thermoplastic elastomer.

US 4,940,464 – Van Gompel, et al. pertains to a disposable incontinence garment or training pant. The garment comprises an absorbent assembly including a liquid-impervious outer cover. The patent specifies that a portion of the outer, liquid impervious cover, can be made from a non-woven elastic or stretchable material, including block co-polymers of polystyrene, polyisoprene, or polybutadiene, co-polymers of ethylene, natural rubbers, urethanes, creightons, and co-extrusions/blends of the aforementioned. However, this reference fails to show an entire garment which is injection molded from an injection moldable thermoplastic elastomer. Further, this garment is joined together at seams.

US 4,981,480 – Gaudet, et al. pertains to an adjustable water-proof garment for placement over a child's diaper. The specific material for use in making the garment does not appear to be critical to this invention, or even specified in the patent.

US 5,022,886 – Jenkins pertains to a toy doll and accessories. The doll is substantially flat, rigid, and freestanding. The clothing is similar and attaches to the doll. As the doll is flat and rigid, there is no need for the "clothing" to be flexible. Thus, the reference fails to show injection molded thermoplastic elastomer clothing for a doll.

US 5,082,875 – Tajima pertains to a sanitary rubber composition or article which is made by solution polymerization of a synthetic rubber, along with a fine powder of polyethylene. Some of the synthetic rubbers are listed at column 3 lines 40-55. "Thermoplastic rubbers of styrene-butadiene or styrene-isoprene can also be used." However, injection molded thermoplastic elastomers are not shown, and the materials used are "vulcanized" as shown in column 5 line 46 and column 6 line 39. Furthermore, the sanitary rubber article is not specified to be clothing of any sort, including doll's clothing.

US 5,093,442 Pertains to a low-stress relaxation extrudible elastomeric composition. The composition is a styrene poly(ethylene-propylene)-styrene thermoplastic elastomeric block copolymer. This reference fails to show injection molded clothing or doll's clothing.

US 5,163,932 – Nomura, et al. pertains to disposable children's pants formed from a liquid impermeable material. The back sheet of the device is made of two layers welded together with hot melt adhesive. One of the layers is an elastically stretchable liquid-impermeable thermoplastic polyethylene elastomer. The other layer is a stretchable non-woven fabric. This is distinguishable from the present invention in its failure to show doll's clothing, as well as the fact that the material of this reference is not specified as injection moldable, and is in sheet form welded together at seams. Thus, this two-layer material would not be useful for the device of the present invention.

US 5,186,673 – Foggarty, et al. pertains to a doll having removable clothing. The clothing includes a removable lower-body dress having a resilient waist band which engages around the waist region of the doll. The upper body clothing made be fabricated of stiff, self-supporting fabric. However, the reference fails to show injection molded doll's clothing of any type.

US 5,194,034 - Heppenstall discloses a protective body suit, made of a material such as cotton Lycra, for use as an undergarment to protect soft-bodied dolls. The suit is constructed with seams and stitching. Heppenstall does not disclose an injection molded garment suitable for use as dolls clothing adapted to be dressed, fitted and removed in a life-like manner or a skin to transform a doll into a different character or object, and formed from an elastomeric material.

US 5,196,240 – Stockwell pertains to a seamless body suit. The suit is formed from the application of silicone rubber adhesive sealant to textiles. An injection moldable thermoplastic elastomeric article of clothing is not shown in this reference.

US 5,357,636 – Dresdner, Jr., et al. pertains to a medical glove including a non-liquid antiseptic composition. The glove has an inner and outer layer and carries an antiseptic composition between the layers. The glove may be made from any suitable material set forth in column 23 line 25 through column 24 line 40 including cellulose acetate, vinyl plastic, polyethylene plastic, other plastics, cotton, wool, silk and a host of other materials. Injection molding the glove using an injection moldable thermoplastic elastomer is not shown.

US 5,388,275 – Oram pertains to a swimsuit including a protective layer. The protective material is formed from a fluid-impermeable material, such as polyethylene, polypropylene, or an elastomer, such as rubber. However, no injection moldable thermoplastic elastomer is shown.

US 5,423,087 – Krent, et al. pertains to a protective body padding. The padding is typically comprised of a molded foam material formed from polymers, including cross-linked polyethylene, a polyurethane polymer, polyvinyl chloride, polypropylene, styrene, or polyester. The reference fails to disclose an injection moldable thermoplastic elastomer.

US 5,451,439 – Bigg discloses a thermoplastic elastomer which functions as a substitute for natural rubber. Specifically, the reference shows the use of an injection moldable thermoplastic elastomer to produce a lineman's glove. The reference fails to recognize the problems associated with doll's clothing or to disclose injection molded thermoplastic elastomeric doll's clothing. The reference similarly fails to discuss integral molding of details in dolls' clothing or the need for elastic properties in seamless "clothing" for a semi-rigid structure such as a doll, or the need for flexibility to allow an articulated doll to be posed.



US 5,453,314 – Collier, et al. pertains to disposable wearing apparel. The apparel is designed to protect the wearer against radioactive contamination and comprises three layers bonded together. The reference fails to disclose injection moldable thermoplastic elastomers or doll's clothing in any way.

US 5,472,775 – Obijeski, et al. pertains to elastic materials and articles formed from such materials. Specifically, the reference discloses elastic materials such as styrene, butadiene, copolymers, polyether block amides, polyether esters, and polyurethanes. The materials are made by extrusion. No injection molding of thermoplastic elastomers is disclosed.

US 5,480,341 – Placose pertains to a toy having a skeletal body and an outer shell. The outer shell may be made from any suitable plastic material, a list of which is presented at column 5, starting at line 20 and continuing through line 36. Injection molding thermoplastic elastomers or clothing for dolls is not shown in this reference.

US 5,503,919 – Litcholt, et al. pertains to garments made from an elastomeric hot melt adhesive foam. However, injection moldable thermoplastic elastomeric clothing is not shown.

US 5,531,732 – Wood pertains to a disposable diaper or training pants. The training pants comprise a water absorbent core pad covered with a liquid-impermeable outer layer. However, injection molded thermoplastic elastomeric materials are not shown.

US 5,553,399 pertains to a shoe or boot. The insole of the shoe is made from a closed-cell foam shock absorption material. However, injection moldable thermoplastic elastomers are not shown.

US 5,569,265 – Elliott pertains to a flexible, collapsible, dome or cylinder-shaped bonnet that provides a substantially air-tight fit to a fetal head for assisting childbirth. The bonnet is formed from an elastomeric material such as latex rubber or silicon rubber made through dip molding. The bonnet may also be formed from an elastomer. However, no injection moldable thermoplastic elastomeric materials are shown to be used.

US 5,586,340 - Russo discloses women's swimsuits. Russo does not disclose doll clothes adapted to be dressed, fitted and removed in a life-like manner from a doll, or a skin to transform a doll into a different character or object.

US 5,603,122 – Kania pertains to a form-fitting sleeve for an amputee's residuum. The sleeve can be made from any appropriate material listed in column 4 lines 33-38. The preferred material is neoprene, Lycra spandex (elastomeric polyurethane), or nylon. The sleeve includes a cushion made from a thermoplastic elastomer. However, such thermoplastic elastomers are used for cushioning effects, and not for injection molding of the article.

US 5,625,897 – Park pertains to a garment for the upper torso which is donned over the head of the wearer. The material for the garment may be any one of a number of alternative materials listed at column 3 lines 15-18, including rubber or rubber blends. However, no injection molded thermoplastic elastomers are disclosed.

US 5,640,720 – Sandbank pertains to a method of manufacturing flexible elastomeric articles, such as gloves. The gloves are formed from a polyether ester block copolymer, such as Hytrel. Such a material is a thermoplastic elastomer, however, the material is not injection molded, but is rather blow molded. Further, the use of injection moldable thermoplastic elastomer for doll's clothing is not shown.

US 5,643,396 – Rajallah, et al. pertains to an apparatus for fabricating garments. The apparatus is especially constructed for use in producing garments, including a stretch elastic. However, the reference fails to disclose an injection molded thermoplastic elastomeric garment of any type.

US 5,709,913 pertains to a method and apparatus for manufacturing articles from sheets having a highly inorganically filled matrix. The organic polymer binder should be included in a range from about one to 50 per cent by volume, the remaining being inorganic material. The reference does not mention injection molded thermoplastic elastomeric clothing.

US 5,718,669 pertains to a splint, including a pneumatic bladder and foam bed. This reference fails to mention injection molded thermoplastic elastomeric clothing.


US 5,766,704 – Allen, et al. pertains to shoes and conforming gel inserts therefor. The gels conform to the shape of a foot for comfort of the wearer. In one embodiment, the flowable visco-elastic gel may be a butadiene-styrene rubber, including a styrene-ethylene/butylene-styrene polymer. However, the reference fails to disclose an injection moldable thermoplastic elastomeric garment.

US 5,780,573 – Iwata, et al. pertains to thermoplastic polyurethanes and methods for producing fibers, laminates, and other forms of such polyurethanes. Injection molding clothing from the thermoplastic polyurethanes is not disclosed. Furthermore, the elasticity of the polyurethanes does not appear to be specified.

The art cited above fails to recognize the problem addressed by the present invention, namely the production of an injection molded elastomeric garment in order to allow the inclusion of intricate details, and yet provide elasticity for clothing and disrobing a doll. Indeed, many of the references submitted herewith are directed to unrelated subject matter, and, therefore, could neither recognize nor cure the problem. That problem is solved in the present invention by use of an injection moldable thermoplastic elastomeric material. None of the cited references teach or suggest producing doll's clothing in such a manner from such a material.

Applicant was the first to apply the benefits and properties of injection moldable thermoplastic elastomer to doll's clothing. Furthermore, Applicant believes that all claims are clearly allowable over all of the cited art and respectfully requests early and favorable notification to that effect.

Respectfully submitted,



Guy T. Donatiello  
Registration No. 33,167  
Attorney for Applicants

GTD:cat  
(215) 751-2463